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EXAMINER
PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 April 2009*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>79-99</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>79-99</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed **04/20/2009** have been fully considered but they are not persuasive.

Applicant contends that the prior art of record, Maloney, does not disclose 'dynamically deciding, at an interactive voice response unit, an additional query to ask the requestor during the call...'

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., IVR unit automatically deciding) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that claim 79 merely recite "dynamically deciding, at an IVR unit.." Maloney's live agent does dynamically decide (interpreted as deciding during the call) at an interactive voice response unit(Fig.2 is an interactive voice response unit).

2.   It is further noted that claims 87 and 97 recite an 'agent', hence Maloney's agent along with the interactive voice response unit system of Fig.2 reads on the claims as currently recited.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

   Claims 79-81, 83-88, 90-94, 96-97, and 99 rejected under 35 U.S.C. 102(b) as being

anticipated by Maloney et al, Patent #5,555,299.

   Regarding claims 79 and 90, Maloney teaches a system(Fig.2) and method for responding

to a request for information, the system and method comprising:

an interactive voice response unit (IVR) adapted to identify a requestor during a call(18 Fig.2,

col.4 lines 7-8 and 60-65, and col.9 lines 14-19),

dynamically deciding, at an interactive voice response unit(Fig.2), an additional query to ask the

requestor during the call based upon information already received from the requestor and based

upon other existing data accessed from an additional source*(col.5 lines 53-59 and col.8-26; the*

CSR agent dynamically(during the call) decides an additional query to ask <u>At</u> an IVR unit-

Fig.2);

a database coupled to the IVR and adapted to store a unit of work record, the unit of work record

including the information received by said IVR and other existing data pertaining to the

requestor(64 Fig.2, col.5 lines 60-67, and col.9 lines 30-54);

a server coupled to the IVR and the database(28/58 Fig.2); and

a workstation coupled to the server, the workstation adapted to receive the unit of work record

during contact with said requestor(54 Fig.2 and col.9 lines 48-65);

wherein the IVR dynamically decides an additional query to ask the requestor during the call

based upon the information already received from the requestor and based upon the other

existing data pertaining to the requestor that has been obtained from an additional source(col.10

lines 2-16);

wherein the system provides the caller with a resolution to the request for information during the call based upon the unit of work record(col.10 lines 16-24).

Regarding claim 80, Maloney teaches the method for responding to a request for information of claim 79, further comprising retrieving data from the additional source, wherein the additional source is a local database(64 Fig.2 and lines col.5 lines 60-67).

Regarding claim 81, Maloney teaches method for responding to a request for information of claim 79, further comprising retrieving data from the additional source, wherein the additional source is an external database(64 Fig.2 and lines col.5 lines 60-67).

Regarding claim 83, Maloney teaches method for responding to a request for information of claim 81, further comprising forwarding the unit of work record to a receiver during the call(col.9 lines 46-67).

Regarding claim 84, Maloney teaches method for responding to a request for information of claim 79, further comprising updating the unit of work record with information each time the information is received from the requestor(col.9 line 46-col.10 line 37)

Regarding claim 85, Maloney teaches method for responding to a request for information of claim 79, wherein the unit of work record is updated to include information from a current contact with the requestor as well as information about a past contact with the requestor(col.10 lines 2-65).

Regarding claim 86, Maloney teaches method for responding to a request for information of claim 79, further comprising transferring information from a database to a receiver such that the receiver receives the unit of work record and the received information while still in contact with the receiver(col.10 lines 2-65)..

Regarding claim 87, Maloney teaches method for responding to a request for information of claim 79, wherein the requestor is informed of the resolution to the request for information by a receiver, an interactive voice response unit or an agent(col.10 lines 2-65).

Regarding claim 88, Maloney teaches method for responding to a request for information of claim 87, further comprising comparing the information received from the requestor to the other existing data accessed from the additional source(col.10 lines 2-65).

Regarding claim 91, Maloney teaches system for responding to the request for information of claim 90, further comprising a database server coupled to the server and the database(64 Fig.2 and lines col.5 lines 60-67).

Regarding claim 92, Maloney teaches system for responding to the request for information of claim 90, further comprising a contact management server coupled to the server and the database(58 Fig.2)

Regarding claim 93, Maloney teaches system for responding to the request for information of claim 90, wherein the server is coupled to an external database(64 Fig.2 and 76 Fig.3).

Regarding claim 94, Maloney teaches system for responding to a request for information of claim 93, wherein the external database provides additional information that can be stored in the unit of work record(64 Fig.2 and lines col.5 lines 60-67).

Regarding claim 96, Maloney teaches system for responding to a request for information of claim 90, wherein the requestor is informed of the resolution to the request for information(col.10 lines 16-24).

Regarding claim 97, Maloney teaches system for responding to a request for information

of claim 96, wherein the requestor is informed of the resolution to the request for information by

the IVR, the workstation, or an agent(col.10 lines 16-24).

Regarding claim 99, Maloney teaches system for responding to a request for information

of claim 90, where the information received from the requestor is compared to the other existing

data accessed from the additional source. ((64 Fig.2 and lines col.5 lines 60-67, and col.10 lines

2-55).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 82, 89, 95, and 98 rejected under 35 U.S.C. 103(a) as being unpatentable over

Maloney in view of Jones et al., Patent # 5,239,462.

Regarding claims 82, 89, 95, and 98 Maloney teaches the methods and systems of claims

81, 87, 94, and 97.

Maloney is silent on specifically disclosing if the additional source includes a credit score

or history and wherein the resolution to the request for information is selected from the group

consisting of an approval or denial of a loan or credit application, an adjustment to a credit limit,

an offer, and a negotiation provision.

However, Jones discloses credit history and scoring information and wherein the

information is selected from the group consisting of an approval or denial of a loan or credit

application, an adjustment to a credit limit, an offer, and a negotiation provision(20-28 Fig.1).

It would have been obvious to one of ordinary skill in the art to include Jones' approval

status and credit information into Maloney system. One would have been motivated to do so as

Maloney discloses of caller's/customer records(col.6 lines 7-16) and credit information are old

and well-known customer records as taught by Jones and merely adding this software

functionality into Maloney system would make the caller's request and call more efficient(see

background info in Maloney col.9 lines 36-46).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544.

The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614